

Claimant:

Alfred Robert Gerebizza
c/o Benton Hall, Notary
3546 East Presidio Circle
Mesa, Arizona [85213]
Non-domestic without the U.S.
Phone: (480) 319-1552
Email: benton.private@gmail.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In RE:
UNITED STATES OF AMERICA

v.

Case No. 10 CR 651

DANIEL SPITZER and
ALFRED GEREBIZZA

FILED
MAR 19 2012
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

NOTICE

NOTICE OF DEFAULT IN DISHONOR CONSENT TO JUDGMENT

in Case No. 1:10-cr-00651-2, issued in UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

Notice is hereby given that a **NOTICE OF DEFAULT IN DISHONOR CONSENT TO JUDGMENT** in Case No. 1:10-cr-00651-2, in the UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, a copy attached hereto as "EXHIBIT 1" is given to Chief Financial Officer, c/o UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, 219 South Dearborn Street, Chicago, Illinois 60604, this 12th day of March A.D. 2012.

Executed without the United States of America, Cook County, Illinois Republic, this twelfth day of the third month in the year of our Lord, two-thousand and twelve.

In Witness Whereof, I have hereunto set my hand and seal.

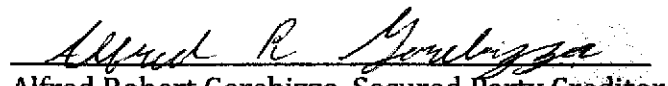

Alfred Robert Gerebizza, Secured Party Creditor
Executive Trustee for the Trust
ALFRED GEREBIZZA

EXHIBIT 1

Case #: PR-2012-0208-A

CERTIFIED COPY

I hereby certify the foregoing document to which this seal has been affixed consisting of 04 pages(s) to be a complete, true and correct copy of the original on file and of record in the office of Benton Hall.

By: Benton Hall

Date: March 12, 2012

(THIS STAMP MUST BE RED)

Claimant:

Alfred Robert Gerebizza
c/o Benton Hall, Notary
3546 East Presidio Circle
Mesa, Arizona [85213]
Non-Domestic without the United States
Phone: (480) 319-1552
Email: benton.private@gmail.com

**THIS IS A PRIVATE COMMUNICATION BETWEEN THE PARTIES
NOTICE TO AGENT IS NOTICE TO PRINCIPAL --- NOTICE TO PRINCIPAL IS NOTICE TO AGENT**

NOTICE

NOTICE OF DEFAULT IN DISHONOR CONSENT TO JUDGMENT

March 12, 2012

Respondent:

Chief Financial Officer
c/o UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION
219 South Dearborn Street
Chicago, Illinois 60604
Service by: USPS "Certificate of Mailing" (PS Form 3817)

Re: Case No. 1:10-cr-00651-2, in the UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION (UNITED STATES OF AMERICA v. DANIEL SPITZER and ALFRED GEREBIZZA).

STATEMENT OF FACTS:

1. On February 15, 2012, Alfred Robert Gerebizza, hereinafter "Claimant", made presentment of a **NOTICE: NOTICE TO SETOFF ACCOUNTS, COUPON** in the amount of **SIXTEEN MILLION AND 00/100 DOLLARS, SUPERSEDING INDICTMENT** in Case No. 1:10-cr-00651-2 issued in UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, with banker's endorsement on front page and reverse page of leaf, **I.R.S.FORM 1040-V payment voucher**, and a **PRIVATE REGISTERED SETOFF BOND**, hereinafter "Tender", a record of which is available upon request, to INTERNAL REVENUE SERVICE, Stop 4440, P.O. Box 9036, Ogden, Utah 84201, hereinafter "Tender Agent", for the settlement of Case No. 1:10-cr-00651-2 issued for ALFRED GEREBIZZA, sent via USPS Registered Mail, Article No. RE 261 087 479 US, by Benton Hall, Notary, hereinafter

"Notary", as evidenced by the "NOTARY'S CERTIFICATE OF SERVICE" dated February 15, 2012, a record of which is available upon request.

2. On February 27, 2012 the Tender Agent accepted the Tender for the settlement of the debt owed in Case No. 1:10-cr-00651-2 issued for ALFRED GEREBIZZA, as evidenced by the "CERTIFICATE OF NON-RESPONSE/NON-PERFORMANCE" dated February 27, 2012, a record of which is available upon request.
3. On February 15, 2012, Claimant made presentment of a **NOTICE OF TENDER FOR SETOFF** and a **REQUEST REGARDING A STATEMENT OF ACCOUNT**, hereinafter "Presentment", to Chief Financial Officer, c/o UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, 219 South Dearborn Street, Chicago, Illinois 60604, hereinafter "Respondent", sent via USPS "Certificate of Mailing" (PS Form 3817), by the Notary, as evidenced by the "NOTARY'S CERTIFICATE OF SERVICE" dated February 15, 2012, a record of which is available upon request.
4. On February 15, 2012 the presentment is deemed received pursuant to the "Mailbox Rule".
5. As of March 1, 2012, Respondent has not sufficiently responded to the Presentment, as evidenced by the "CERTIFICATE OF NON-RESPONSE/NON-PERFORMANCE" dated March 1, 2012, a record of which is available upon request.
6. Respondent's failure to sufficiently respond or timely honor the Presentment, by the terms of the Presentment, constitutes Respondent's acceptance and approval of the **REQUEST REGARDING A STATEMENT OF ACCOUNT** contained therein.
7. Respondent's acceptance and approval of the **REQUEST REGARDING A STATEMENT OF ACCOUNT** constitutes Respondent's agreement to the stipulated aggregate amount of unpaid obligations being Zero (\$0.00) and 00/100 dollars.
8. On March 1, 2012, Claimant made presentment of a **NOTICE OF FAULT -- OPPORTUNITY TO CURE "FINAL EXPRESSION IN A RECORD"** to the Respondent, dated March 1, 2012, hereinafter "Fault Notice", a record of which is available upon request, sent via USPS "Certificate of Mailing" (PS Form 3817), by the Notary, as evidenced by the "NOTARY'S CERTIFICATE OF SERVICE" dated March 1, 2012, a record of which is available upon request.
9. As of March 12, 2012 neither the Claimant nor the Notary, received sufficient response to the Presentment or the Fault Notice, from the Respondent, as evidenced by the "CERTIFICATE OF NON-RESPONSE/NON-PERFORMANCE" dated March 12, 2012, a record of which is attached hereto.
10. Respondent's failure to perform by the terms of the Presentment, constitutes Respondent's acceptance and approval of the granting and conveying of a Specific Power of Attorney to the Claimant to perform the duties of the Respondent stipulated therein.
11. Respondent's failure to perform by the terms of the Fault Notice, constitutes Respondent's acceptance and approval of the granting and conveying of a Specific Power of Attorney to the Claimant to perform the duties of the Respondent stipulated therein.
12. Respondent has defaulted.

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13. As an operation of law, Respondent by dishonor of the Presentment and the Fault Notice has created a default.

DEFAULT:

For the Respondent's failure to honor the Presentment and Fault Notice places the Respondent in **default**. For the course of dealing, set forth herein, with the Respondent's failure, refusal, or neglect in the presentment of a verified response to the Presentment and Fault Notice, constitutes the Respondent's failure to perform in good faith and the Respondent's acquiescence and tacit agreement with all terms, conditions and stipulations set forth within this Notice of Default in Dishonor (Consent to Judgment), Presentment, and Fault Notice. Therefore this matter is deemed *res judicata* and *stare decisis*.

Of this presentment take due **Notice** and heed, and govern yourself accordingly. This **FINAL EXPRESSION IN A RECORD** is intended as a complete and exclusive statement of the terms of the agreement between the parties.

Response by Respondent must be served on Claimant exactly as provided:

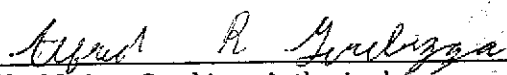
Alfred Robert Gerebizza
c/o Benton Hall, Notary
3546 East Presidio Circle
Mesa, Arizona [85213]
Non-domestic without the United States
Phone: (480) 319-1552
Email: benton.private@gmail.com

Commercial Affirmation Oath and Verification

Cook County)
Illinois Republic) affirmed and subscribed:
United States of America)

I, Alfred Robert Gerebizza, Secured Party Creditor, under my unlimited liability and Commercial Oath, proceeding in good faith, being of sound mind, having first-hand knowledge, affirm, state, and declare that the facts contained herein are true, correct, complete and not misleading, under penalty of International Commercial Law, so help me, God, this Twelfth day of the Third month, in the year of our Lord, Two-thousand Twelve.

In Witness Whereof, I have hereunto set my hand and seal.


Alfred Robert Gerebizza, Authorized
Representative
For the Accommodation Party & Secured Party
Creditor
ALL RIGHTS RESERVED

Case #: PR-2012-0208-A

cc:

Jason A. Yonan

c/o United States Attorney's Office (NDIL)

219 South Dearborn Street, Suite 500

Chicago, IL 60604

Phone: (312) 353-4156

Email: Jason.Yonan@usdoj.gov

Madeleine Sullivan Murphy

c/o United States Attorney's Office (NDIL)

219 South Dearborn Street, Suite 500

Chicago, IL 60604

Phone: (312) 886-2070

Email: madeleine.murphy@usdoj.gov

AUSA

United States Attorney's Office (NDIL)

219 South Dearborn Street, Suite 500

Chicago, IL 60604

Phone: (312) 353-5300

Email: USAILN.ECFAUSA@usdoj.gov

CLERK OF COURT (Case No. 1:10-cr-00651-2)

c/o UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

219 South Dearborn Street

Chicago, IL 60604

All serviced by: USPS "Certificate of Mailing" (PS Form 3817)

Enclosure(s):

- (1) **NOTICE OF ADMINISTRATIVE JUDGMENT** dated March 12, 2012 (1 leaf);
- (2) **CERTIFICATE OF NON-RESPONSE/NON-PERFORMANCE** dated March 12, 2012 (1 leaf);
- (3) **NOTARY'S CERTIFICATE OF SERVICE** dated March 12, 2012 (1 leaf).

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NOTICE OF ADMINISTRATIVE JUDGMENT

Arizona Republic)
 Maricopa county) affirmed and subscribed:
 Without the United States)

PRESENTMENT Be it known, that, the person signing below, a duly empowered Notary, at the request

of Alfred Robert Gerebizza In care of 3546 East Presidio Circle, Mesa, Arizona [85213], Non-domestic without the United States
Claimant Address

will duly present on March 12, 2012 the attached NOTICE OF DEFAULT IN DISHONOR
CONSENT TO JUDGMENT dated March 12, 2012

regarding Case No. 1:10-00651-2, issued in the UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION (UNITED STATES OF AMERICA v. DANIEL SPITZER and ALFRED GEREBIZZA)

to Chief Financial Officer, c/o UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, 219 South Dearborn Street, Chicago, Illinois 60604

Respondent

signed by Alfred Robert Gerebizza noticing NOTICE OF DEFAULT IN DISHONOR – CONSENT TO JUDGMENT
 the time limit having elapsed for any timely response thereto.

JUDGMENT: Whereupon, the Notary signing below, for the reason default and dishonor by non-response/non-performance, does publicly and solemnly certify the default and dishonor as against all parties it may concern by reason of non-response/non-performance thereof and stipulations therein.

NOTICE: The undersigned Notary certifies that on March 12, 2012 Notices of Administrative Judgment were sent to the parties noted below by depositing in an official depository under the exclusive care and custody of the United States Post Office a sealed envelope containing said Notices directed to the respective person or entity at the last known corresponding address noted below:

NAME	ADDRESS
<u>Chief Financial Officer</u>	<u>c/o UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, 219 South Dearborn Street, Chicago, IL 60604</u>
<u>Jason A. Yonan</u>	<u>c/o United States Attorney's Office (NDIL), 219 South Dearborn Street, Suite 500, Chicago, IL 60604</u>
<u>Madeleine Sullivan Murphy</u>	<u>c/o United States Attorney's Office (NDIL), 219 South Dearborn Street, Suite 500, Chicago, IL 60604</u>
<u>AUSA</u>	<u>c/o United States Attorney's Office (NDIL), 219 South Dearborn Street, Suite 500, Chicago, IL 60604</u>

TESTIMONY: I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Benton Hall
 Notary

Executed on: March 12, 2012

Benton Hall
 3546 East Presidio Circle
 Mesa, Arizona [85213]
 Non-Domestic without the United States
 Phone: (480) 319-1552
 Email: benton.private@gmail.com

CERTIFICATION OF DUE PRESENTMENT OF NOTICE UNDER NOTARY SEAL

Date of Presentment: March 12, 2012

Notice Presented Under Seal: NOTICE OF DEFAULT IN DISHONOR – CONSENT TO JUDGMENT

Notary's Certification: The above-noted parties were presented notice under notary seal that certification of non-response/non-performance within ten (10) days of postmark would comprise their acceptance of the terms and conditions contained therein, the time having elapsed for response or performance thereof, which was dishonored.

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CERTIFICATE OF NON-RESPONSE/NON-PERFORMANCE

Arizona Republic)
 Maricopa County) affirmed and subscribed:
 Without the United States)

PRESENTMENT: Be it known that the person signing below, a duly empowered Notary, at the request of Alfred Robert Gerebizza
 Claimant
 in care of 3546 East Presidio Circle, Mesa, Arizona, [85213] Non-domestic without the United States
 Address

NOTICE OF FAULT – OPPORTUNITY TO CURE
 did duly present on March 1, 2012 the "FINAL EXPRESSION IN A RECORD" dated March 1, 2012

regarding Case No. 1:10-00651-2, issued in the UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION (UNITED STATES OF AMERICA v. DANIEL SPITZER and ALFRED GEREBIZZA)

to Chief Financial Officer, c/o UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, 219 South Dearborn Street, Chicago, Illinois 60604
 Respondent

signed by Alfred Robert Gerebizza requesting Setoff and/or discharge for the debt owed on Case No. 1:10-cr-00651-2 of any and all alleged obligations, etc. attributed to ALFRED GEREBIZZA the opportunity for a timely response or performance thereto has elapsed.

DEFAULT: Whereupon the Notary signing below, for the reason dishonor by non-response/non-performance, does publicly and solemnly certify the dishonor as against all parties it may concern by reason of non-response/non-performance thereof and stipulations therein.

NOTICE: The undersigned Notary certifies that on March 1, 2012 NOTICE (2nd): NOTICE OF FAULT – OPPORTUNITY TO CURE "FINAL EXPRESSION IN A RECORD" was sent to the parties noted below by depositing in an official depository under the exclusive face and custody of the United States Post Office a sealed envelope containing said Notice directed to the respective persons or entities at the last known corresponding address noted below:

NAME	ADDRESS
<u>Chief Financial Officer</u>	<u>c/o UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, 219 South Dearborn Street, Chicago, IL 60604</u>
<u>Jason A. Yonan</u>	<u>c/o United States Attorney's Office (NDIL), 219 South Dearborn Street, Suite 500, Chicago, IL 60604</u>
<u>Madeleine Sullivan Murphy</u>	<u>c/o United States Attorney's Office (NDIL), 219 South Dearborn Street, Suite 500, Chicago, IL 60604</u>
<u>AUSA</u>	<u>c/o United States Attorney's Office (NDIL), 219 South Dearborn Street, Suite 500, Chicago, IL 60604</u>

TESTIMONY I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Benton Hall
 Notary

Executed on: March 12, 2012

Benton Hall
 3546 East Presidio Circle
 Mesa, Arizona [85213]
 Non-domestic without the United States
 Phone: (480) 319-1552
 Email: benton.private@gmail.com

CERTIFICATION OF DUE PRESENTMENT OF NOTICE UNDER NOTARY SEAL

Date of Presentment: March 1, 2012

Notice Presented Under Seal: NOTICE (2nd): NOTICE OF FAULT – OPPORTUNITY TO CURE "FINAL EXPRESSION IN A RECORD"

Notary's Certification: The above-noted party was presented under notary seal a NOTICE (2nd): NOTICE OF FAULT – OPPORTUNITY TO CURE "FINAL EXPRESSION IN A RECORD" wherein it was stated that certification of non-response/non-performance after ten (10) days of postmark would comprise its acceptance of the terms and conditions contained therein. A dishonor has occurred because the opportunity for a timely response or performance thereto has elapsed.

NOTARY'S CERTIFICATE OF SERVICE

It is hereby certified that on the date noted below, the undersigned Notary mailed to:

Chief Financial Officer
c/o UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION
219 South Dearborn Street
Chicago, Illinois 60604

cc:

Jason A. Yonan
c/o United States Attorney's Office (NDIL)
219 South Dearborn Street, Suite 500
Chicago, IL 60604
Phone: (312) 353-4156
Email: jason.Yonan@usdoj.gov

Madeleine Sullivan Murphy
c/o United States Attorney's Office (NDIL)
219 South Dearborn Street, Suite 500
Chicago, IL 60604
Phone: (312) 886-2070
Email: madeleine.murphy@usdoj.gov

AUSA
United States Attorney's Office (NDIL)
219 South Dearborn Street, Suite 500
Chicago, IL 60604
Phone: (312) 353-5300
Email: USAILN.ECFAUSA@usdoj.gov

All Serviced By: USPS "Certificate of Mailing" (PS Form 3817)

hereinafter, "Recipients", the documents and sundry papers pertaining to a certain Case No. 1:10-cr-00651-2, in the UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION (UNITED STATES OF AMERICA v. DANIEL SPITZER and ALFRED GEREBIZZA) as follows:

- (1) NOTICE: NOTICE OF DEFAULT IN DISHONOR – CONSENT TO JUDGMENT (4 leaves);
- (2) NOTICE OF ADMINISTRATIVE JUDGMENT dated March 12, 2012 (1 leaf);
- (3) CERTIFICATE OF NON-RESPONSE/NON-PERFORMANCE dated March 12, 2012 (1 leaf);
- (4) Reference copy of this NOTARY'S CERTIFICATE OF SERVICE dated March 12, 2012 (2 leaves).

Case #: PR-2012-0208-A

These mailings contained a total of eight (8) leaves each. They were sent via the United States Postal Service under the control, direction, and instruction of the USPS "Certificate of Mailing" (PS Form 3817) referenced above. The aforesaid mailings were placed in postpaid envelopes properly addressed to the Recipients. They were deposited at an official depository under the exclusive face and custody of the United States Postal Service within the State of Arizona.

March 12, 2012

DATE

Benton Hall

NOTARY

Benton Hall

3546 East Presidio Circle

Mesa, Arizona [85213]

Phone: (480) 319-1552

Email: benton.private@gmail.com

LEGAL NOTICE The Certifying Notary is an independent contractor and not a party to this claim. In fact the Certifying Notary is a Federal Witness Pursuant to TITLE 18, PART I, CHAPTER 73, SEC. 1512. *Tampering with a witness, victim, or an informant.* The Certifying Notary also performs the functions of a quasi-Postal Inspector under the Homeland Security Act by being compelled to report any violations of the U.S. Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under Color of Law is a violation of Title 18, U.S. Code, Section 242, titled "Deprivation of Rights Under Color of Law," which primarily governs police misconduct investigations. This Statute makes it a crime for any person acting under the Color of Law to willfully deprive any individual residing in the United States and/or United States of America those rights protected by the Constitution and U.S. laws.